

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JAMES MCGINN,

Plaintiff,

v.

EXECUTIVE OFFICE OF ENERGY AND
ENVIRONMENTAL AFFAIRS,
MASSACHUSETTS ENVIRONMENTAL
POLICE, SECRETARY KATHLEEN A.
THEOHARIDES IN HER OFFICIAL
CAPACITY, and MATTHEW A. BEATON
IN HIS INDIVIDUAL CAPACITY,

Defendants.

Civil Action No. 19-CV-11551-IT

LOCAL RULE 16.1(d)(3) CERTIFICATION OF THE STATE DEFENDANTS

Pursuant to Local Rule 16.1(d)(3), the Executive Office of Energy and Environmental Affairs (“EEA”), the Massachusetts Environmental Police, and EEA Secretary Kathleen A. Theoharides sued in her official capacity¹ (“Secretary”) (collectively, the “State Defendants”), affirm that they have conferred with counsel regarding the costs of the full course of litigation and as to the costs of alternative courses of litigation, and that they have conferred with counsel regarding resolution of this litigation through the use of alternative dispute resolution programs.

EXECUTIVE OFFICE OF ENERGY AND
ENVIRONMENTAL AFFAIRS,
MASSACHUSETTS ENVIRONMENTAL
POLICE, and SECRETARY KATHLEEN A.
THEOHARIDES IN HER OFFICIAL
CAPACITY



Tori Kim, General Counsel

¹ Kathleen A. Theoharides succeeded Matthew A. Beaton as the Secretary of the EEA on May 3, 2019. However, none of McGinn’s claims concern conduct by the current Secretary.

By their attorney,

/s/ David S. Mackey

David S. Mackey (BBO #542277)

Special Assistant Attorney General

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Dated: November 18, 2019

Certificate of Service

I hereby certify that a true copy of this document was filed through the Electronic Case Filing system, and will be served upon the attorney of record for each party registered to receive electronic service, and that a true copy of this document was served upon the attorney of record for James McGinn by mail, on this 18th day of November, 2019.

/s/ David S. Mackey

David S. Mackey